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CC: Watkins, Tim [Watkins.Tim@epa.gov]; Steenbock, John [Steenbock.John@epa.gov]; Burmania, Tessa [Burmania.Tessa@epa.gov]
Subject: Cincinnati Telework Issues and Concerns

Dear Bargaining Unit Members, Managers, and Interested Employees

This week I have learned a great deal about the EPA-Cincinnati telework provisions in the NTEU collective bargaining unit, by reading the agreement and talking to the president of their union who has been very helpful. It turns out that full-time (FT) and near full-time telework are allowed. These are my thoughts. The assumptions are:

1. Although believed reliable, this information needs to be verified and discussed one-on-one with a Lab Director/Office Director prior to making a decision to telework FT using this information as a basis. And, even if the Lab Director/Office Director agrees to take the individual's request up the line for approval, there is no guarantee that it will be approved at the AA level.
2. EPA-Cincinnati is selected for relocation, i.e., is the new Official Duty Station.
3. The employee has portable work and a Fully Successful or higher performance rating.
4. Decisions on teleworking by management are made one individual at a time. Each employee needs to be able to make a business case for why their teleworking is best for the government. Thus there is no "ORD-LV employees teleworking arrangement to participate in. It is all individually based and governed by the NTEU Bargaining Agreement and applicable regulations.
5. The employee's business case/rationale for FT teleworking needs to be based on their work, such as being in close proximity to a study area, clients on the West Coast, need for coverage for all time zones.
6. FT telework for a limited period such as 1 to 2 years, is more realistic than FT telework for the remainder of a career, spanning 5 to 10+ years given the rate of change we are experiencing.
7. Each individual needs to decide how much personal risk they are willing to take, for personal costs and lost opportunities incurred under a telework agreement.
8. An employee who is earlier in their career and hopes to compete for a promotion or different position in the future, may be affected by the logistics of the situation.
9. The pending reorganization of OARS and OPARM may result in an employee's duties changing, and assignment of non-portable work.
10. With all these caveats accepted and /or not an issue, then full-time or near full-time telework is allowed, subject to supervisory approval.

The highlights of the concerns for FT or near FT telework are summarized below. People must very clearly understand [again, subject to verification where needed]:

- Their Telework arrangements can be terminated or not renewed at the discretion of the Agency. The employee has little to no recourse if a telework agreement is terminated.
 - The union would not have any prospect of successfully grieving this because the language so clearly puts this under the discretion of the Agency and includes phrases as broad as "for any other reason." People should have no expectation that their Telework arrangements will be continued past the initial one year.
 - If a telework agreement is rescinded, costs of reporting to work from the telework location are the responsibility of the employee.
- If the employee passes up the relocation offer being made now, they probably cannot get a paid relocation to Cincinnati at some time in the future because Cincinnati will be their duty station. (In some sense, the employee will already be in Cincinnati.)

- Because of Federal regulations, [verification can be pursued if you wish] it would be illegal for the Agency to do this.
- Employees would be required to come to Cincinnati for recalls when required to do so.
 - Again, [subject to verification if you wish] it would be illegal for the Agency to pay for this return to the duty station.
 - Under Section 9(D)(2) “an employee is responsible for all costs associated with returning to the official worksite location.”
- Complications would arise in official travel. If an employee were required to be in RTP for some reason [or at another location such as a scientific meeting], then there are these concerns:
 - If their duty station was Cincinnati then travel to RTP [or at another location such as a scientific meeting] would be expected but that doesn’t mean the Agency would pay the costs back and forth from LV.
 - They may do so if the net cost is lower to the government.
 - They may reimburse part of the employee’s cost.
- If at some time the employee were to apply for and be hired into another position there are additional issues up in the air:
 - If the position also has Cincinnati as the duty station, it is unlikely that they would get relocation expenses for that position, let’s say a promotion.
 - If they accept a position elsewhere, it is not clear how the Agency would deal with relocation cost issues from LV to wherever the new duty station would be.
- There are tax implications. Workers in Cincinnati pay a Cincinnati (city) tax, Ohio (state) income taxes, in addition to federal income taxes. The amount of the taxes depends on the number of days spent working in the city/state.

The reason I’m raising these issues is so people can make decisions to start a full-time (FT) or near-FT agreement after being very aware of and clear on points like these that could be very important to them at some future time. HR / LER briefings on points like these would be helpful if not essential.

Obviously I may be missing some things. I can’t be 100% sure I’ve thought of every situation that could be encountered.

OARS and NERL will also want to know what exposure to these things they will be accepting, should they give approval for FT telework; thus I have shared this email with Tim Watkins and John Steenbock.

Thanks, Ann

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